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OFFICE OF PETITIONS

In re Application of
Joseph D. Black
Application No.10/719,261
Filed: November 24, 2003

DECISION
ON PETITION
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2005, to revive the above-identified application. The instant application became abandoned for failure to reply to the office action of June 17, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 18, 2004.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

Petitioner has met the requirements for filing a grantable petition under 37 CFR 1.137(b) including (1) the reply (amendment/response); (2) the petition fee of \$750.00 (for a small entity); and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed June 17, 2004 is accepted as having been unintentionally delayed.

This matter is being referred to Technology Center Art Unit 1744 for appropriate action on the concurrently filed response.

Any questions concerning this matter may be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

Karen Hearn for
Brian Hearn
Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy